



16/17
AF
E. Williams
10.2.02

I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: Commission for Patents, Washington, D.C. 20231

Date of Signature

And Deposit:

9/19/02

Jan C. Sahas

Attorney of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kelly J. Henrickson, et al.
Serial No.: 09/484,704
Filed: January 18, 2000
For: VIRUS ASSAY METHOD
Group Art Unit: 1656
Examiner: J. Siew

RECEIVED

SEP 30 2002

Attention: Box AF

Commissioner For Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

RESPONSE TO OFFICE ACTION

Dear Sir:

In the matter of the above-identified case and in response to the May 15, 2002 Office Action, Applicants respectfully request that the following amendments and remarks be entered.

In the Title:

Please delete "VIRUS ASSAY METHOD" and insert

D1
--METHOD OF DETECTING THE PRESENCE OF A TARGET NUCLEIC ACID VIA AN AMPLIFICATION REACTION USING UNEQUAL PRIMER CONCENTRATION--

In the Claims:

Please cancel claims 6, 12, 20 and 23.

D2 5/17
~~34. (Amended) A method of detecting the presence of at least two target nucleic acids in a biological sample comprising the steps of~~

E1
cont.
1/2
copy.

(a) isolating nucleic acid from a biological sample.

(b) exposing the nucleic acid or cDNA created from the nucleic acid to at least two primer pairs, each pair comprising a 5' and a 3' primer, specific for the target nucleic acid under conditions suitable for nucleic acid amplification and wherein the 5' and 3' primers are of unequal concentration, wherein substantially only double-stranded amplification end products are formed if the sample contains a target nucleic acid, and

(c) determining whether the amplification product is present by exposing the step (b) products to protein-linked oligonucleotide probes under conditions suitable for hybridization between complementary nucleic acid sequences and examining the probes for the presence of a hybridization product, wherein the oligonucleotide probe is of a sequence identical to the target nucleic acid.

REMARKS

The May 15, 2002 Office Action has asked for cancellation of non-elected claims, modification of the title, requests a Terminal Disclaimer and rejects all pending claims under 35 U.S.C. § 103. In light of the amendments above and the arguments below, Applicants respectfully request reconsideration.